

OFFICIAL COPY

Fresno, California

January 8, 2001

January 9, 2001

The City Council met in special closed session on Monday, January 8, 2001, at 12:10 p.m. in Room 2125 to consider the following matter and adjourned thereafter.

CONFERENCE WITH LEGAL COUNCIL - DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (c) - CASE NAME: CITY OF FRESNO V. CITY OF CLOVIS, LAFCO AND FRESNO COUNTY

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The City Council met in joint session with the Joint Powers Financing Authority and the Redevelopment Agency on Tuesday, January 9, 2001, at the hour of 8:44 a.m., and thereafter in regular session, in the Council Chambers, City Hall.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting President
	Henry Perea	Council President
	Alan Autry	Mayor

Andy Souza, Interim City Manager
Daniel Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY (JPFA) AND REDEVELOPMENT AGENCY

ELECTION OF JPFA CHAIRPERSON

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, Mayor Autry elected Chair of the Joint Powers Financing Authority, by the following vote:

Ayes	:	Autry, Duncan, Perea
Noes	:	None
Absent	:	None

APPROVE JPFA MINUTES OF DECEMBER 19, 2000

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the JPFA minutes of December 19th approved as submitted.

ELECTION OF JPFA VICE-CHAIR

A motion and second was made to elect the Vice Chair, and City Attorney Montoy briefly explained the function of the Joint Powers Financing Authority, members, and voting process in joint meetings.

On motion of Councilmember Duncan, seconded by Mayor Autry, duly carried, RESOLVED, President Perea elected Vice Chair of the Joint Powers Financing Authority, by the following vote:

Ayes	:	Duncan, Perea, Autry
Noes	:	None
Absent	:	None

(A) CONTINUED JOINT HEARING OF THE COUNCIL, JOINT POWERS FINANCING AUTHORITY (JPFA) AND REDEVELOPMENT AGENCY TO CONSIDER APPROVAL OF CERTAIN DOCUMENTS RELATED TO THE ISSUANCE OF TAX ALLOCATION BONDS, SERIES 2001

1. AGENCY RESOLUTION NO. 1575 - APPROVING ISSUANCE BY THE JPFA OF NOT TO EXCEED \$10,000,000 ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF TAX ALLOCATION BONDS, SERIES 2001; AUTHORIZING EXECUTION AND DELIVERY OF A LOAN AGREEMENT; APPROVING THE FORM OF OFFICIAL STATEMENT; AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FINANCING WITH THE JPFA (AGENCY ACTION)

Agency Chair Duncan announced the time had arrived to consider the issue and opened the hearing. Redevelopment Administrator Murphey and Director Fitzpatrick reviewed the staff report as submitted and related issues including bond rates and ratings, and responded to questions of Acting President Ronquillo relative to process for transferring any surplus funds to other projects.

Upon call, no one wished to be heard and Chair Duncan closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Agency Resolution No. 1575 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

2. JPFA RESOLUTION NO. 10 - AUTHORIZING THE ISSUANCE AND SALE OF TAX ALLOCATION BONDS; AUTHORIZING THE PROCUREMENT OF BOND INSURANCE; APPROVING THE FORMS OF A TRUST AGREEMENT, LOAN AGREEMENT, BOND PURCHASE CONTRACT AND AN OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE ISSUANCE OF THE BONDS (AUTHORITY ACTION)

On motion of Chair Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled JPFA Resolution No. 10 hereby adopted, by the following vote:

Ayes	:	Duncan, Perea, Autry
Noes	:	None
Absent	:	None

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The joint meeting with the Joint Powers Financing Authority and Redevelopment Agency adjourned at 8:43 a.m. and the City Council continued in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF DECEMBER 19, 2000

On motion Acting President Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the Agency minutes of December 19th approved as submitted.

(A) APPROVE CONSULTANT RTKL'S FINAL DRAFT RECOMMENDATIONS REGARDING A MASTER PLAN AND GUIDELINES FOR THE UPTOWN ARTS DISTRICT WITHIN THE FULTON REDEVELOPMENT PROJECT AREA, AND DIRECT STAFF REGARDING THE USE OF THE CONCEPT AND GUIDELINES INCLUDING FOLLOWING ALL NECESSARY LEGAL REQUIREMENTS (NOTICES, HEARINGS, FINDINGS, PROCEDURES, CEQA COMPLIANCE)

Redevelopment Administrator Murphey and Director Fitzpatrick reviewed the staff report and related issues including what was added to the plan at Council' direction, and recommended approval.

John Moffatt, Chair, Uptown Committee, spoke in strong support of the plan and urged approval.

Brief discussion ensued with Council expressing their support and commending Mr. Moffatt, Agency staff and the Consultant for all their work. President Perea briefly commented on infill housing stating it was critical it be included in the plan. Mr. Fitzpatrick responded to questions of Councilmembers Calhoun and Boyajian relative to implementing the plan and the available funding and forthcoming scope of work.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, Consultant RTKL's final draft recommendations regarding a master plan and guidelines for the Uptown Arts District hereby approved as a policy concept; and staff directed to consider the concept guidelines in considering specific projects, capital improvements, and other redevelopment in the Uptown District, including following all necessary legal requirements, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes : None
Absent : None

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT, 944 "F" STREET, REGARDING REDEVELOPMENT AND HOUSING SET ASIDE FUNDS

Appearance made; no action taken.

APPEARANCE BY ERIN OULD, 5624 N. THORNE, REGARDING RECOMMENDATIONS FOR THE DOWNTOWN AND UPTOWN AREAS

Appearance made; no action taken.

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The joint bodies adjourned at 9:07 a.m. and the City Council convened in regular session at 9:08 a.m.

Pastor Ara Guekguezian, Pilgrim Armenian Church, gave the invocation; and Councilmember Ronquillo led the Pledge of Allegiance to the Flag.

PROCLAMATION OF HANNAH BENSON DAY - COUNCILMEMBER BOYAJIAN

Read and presented.

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(2 - 0) APPROVE MINUTES OF DECEMBER 11, 18, 19, 20, 2000 AND JANUARY 2, 2001

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the minutes of December 11th, 18th, 19th, 20th and January 2nd approved as submitted.

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APPROVE AGENDA:

(1A-9) * RESOLUTION - 13TH AMENDMENT TO PAR 2000-184 ADDING SEVEN (7) COUNCIL ASSISTANT POSITIONS

City Clerk Klisch corrected the title from "Council Assistant" positions to "Assistant to the City Council" positions. So noted and corrected.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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ADOPT CONSENT CALENDAR:

(1A-1) RESOLUTION NO. 01-1 - DEDICATING CERTAIN CITY-OWNED PROPERTY AT S. WEST AND W. NORTH AVENUES FOR PUBLIC STREET PURPOSES

(1A-2) * RESOLUTION NO. 01-2 - 76TH AMENDMENT TO AAR 200-183 APPROPRIATING \$249,900 OF CALIFORNIA LAW ENFORCEMENT EQUIPMENT PURCHASE (CLEEP) PROGRAM GRANT FUNDS FOR THE PURCHASE OF HIGH TECHNOLOGY EQUIPMENT

(1A-3) AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$81,270 TO FURNISH AND INSTALL WELL SITE IMPROVEMENTS AT PUMP STATION 203A

(1A-5) AUTHORIZE THE TRANSIT GENERAL MANAGER TO ENTER INTO A SHORT TERM LEASE AGREEMENT WITH MANCHESTER CENTER FOR TEMPORARY RELOCATION OF FAX'S MANCHESTER CUSTOMER SERVICE OFFICE, AND EXECUTE ALL REQUIRED DOCUMENTS ON BEHALF OF THE CITY UPON APPROVAL BY THE CITY ATTORNEY

(1A-6) APPROVE EXTENSION OF APPOINTMENT OF RANDALL CARLTON AS CONTROLLER, FROM JANUARY 1, 2001, UNTIL A SUCCESSOR IS NAMED

(1A-7) RESOLUTION NO. 01-3 - AUTHORIZING AMENDMENT NO. 1 TO FAA GRANT - FRESNO YOSEMITE INTERNATIONAL AIRPORT AIP PROJECT NO. 3-06-0087-27; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE AMENDMENT AND ALL IMPLICATED DOCUMENTATION SUBJECT TO PRIOR APPROVAL BY THE CITY ATTORNEY

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

CONSENT CALENDAR - BILLS FOR INTRODUCTION:

(1B-1) BILL NO. B-1 - AMENDING FRESNO MUNICIPAL CODE SECTION 3-109 RELATING TO CONTRACTS FOR SERVICES, WORK, EQUIPMENT, MATERIALS AND SUPPLIES; REPEALING RESOLUTION NO. 94-125 RELATIVE TO AUTHORIZATION OF THE CONTRACTING FOR PROFESSIONAL

CONSULTING SERVICES BY CERTAIN OFFICIALS; AND ESTABLISHING A POLICY REGARDING PRESENTATION OF PROFESSIONAL CONSULTING SERVICE CONTRACTS TO THE COUNCIL FOR APPROVAL (***ALTERNATIVE NO. 1*** - *REQUIRING COUNCIL APPROVAL FOR EXPENDITURE OF CITY MONIES GREATER THAN THE AMOUNT APPLICABLE TO COMPETITIVE BIDDING AS SET FORTH IN CHARTER SECTION 1208, CURRENTLY \$31,000 AND ADJUSTED ANNUALLY*))

a. BILL NO. B-2 - (*ALTERNATE NO. 2*) - REQUIRING COUNCIL APPROVAL FOR EXPENDITURE OF CITY MONIES GREATER THAN \$100,000)

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill Nos. B-1 and B-2 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3A) SELECTION OF COUNCIL REPRESENTATIVE TO THE TRANSPORTATION AUTHORITY (TWO-YEAR TERM)

On motion of Acting President Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, Councilmember Quintero reappointed to the Transportation Authority, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5A) PROPOSED REAPPOINTMENT OF DR. SUDARSHAN KAPOOR TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER DUNCAN (INTRODUCE-LAY OVER)

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the reappointment of Dr. Sudarshan Kapoor to the Human Relations Commission introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5B) PROPOSED APPOINTMENTS OF PAUL BERNARD SMITH TO THE TOWER DISTRICT SPECIFIC PLAN IMPLEMENTATION COMMITTEE; GAIL GASTON TO THE HUMAN RELATIONS COMMISSION AS DISTRICT 3 REPRESENTATIVE; AND MARLIN KEELINGS TO THE SOUTHWEST ADVISORY COMMITTEE - ACTING PRESIDENT RONQUILLO (INTRODUCE-LAY OVER)

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the appointments of Paul Bernard Smith to the Tower District Specific Plan Implementation Committee, Gail Gaston to the Human Relations Commission, and Marlin Keelings to the Southwest Advisory Committee introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5C) * RESOLUTION NO. 01-4 - 86TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$9,400 IN ADDITIONAL SALARY FOR THE COUNCIL PRESIDENT AND \$20,600 FOR THE “EXECUTIVE ANALYST TO THE COUNCIL” FROM THE COUNCIL SUPPORT BUDGET TO DISTRICT 7 - PRESIDENT PEREA
1. * RESOLUTION NO. 01-5 - 11TH AMENDMENT TO PAR 2000-183 MOVING THE POSITION OF “EXECUTIVE ANALYST TO THE COUNCIL” FROM DISTRICT 1 TO DISTRICT 7

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 01-4 and 01-5 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5D) RESOLUTION NO. 01-6 - APPROVING THE FORMATION OF THE WOODWARD PARK COMMUNITY PLAN REVIEW AND IMPLEMENTATION COMMITTEE - COUNCILMEMBER DUNCAN
1. PROPOSED APPOINTMENTS OF JONATHAN RICHTER, ANN ALVAREZ, TERESA PATTERSON, DAN O'BRIEN AND LEE BRAND TO THE COMMITTEE (FOR INFORMATIONAL PURPOSES ONLY -- APPOINTMENTS MADE AT THE SOLE DISCRETION OF COUNCILMEMBER)

Briefly reviewed by Councilmember Duncan who noted this was his first “real” project, stated the committee was patterned after other existing citizen groups and his appointees were interested citizens who would ensure good planning for the area, and made a motion to adopt the resolution. Councilmember Calhoun commended Councilmember Duncan and briefly commented on the Bullard Implementation Committee and changes he would be making, and stated he would encourage working together with Councilmember Duncan and the new committee on issues affecting both districts.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 01-6 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5E) COUNCIL PRESIDENT APPOINTMENT OF AD HOC BUDGET COMMITTEE - PRESIDENT PEREA

Briefly reviewed by President Perea with Councilmembers Boyajian and Ronquillo expressing their interest in serving. By Council consensus, Councilmembers Boyajian, Ronquillo and President Perea appointed to the Council Ad Hoc Budget Committee.

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(5F) REQUEST CITY MANAGER TO DIRECT STAFF TO STUDY A JOINT VENTURE BETWEEN THE CITY AND SPHERE ENTERPRISES REGARDING A PROPOSED RETAIL/FAMILY SPORTS COMPLEX AT CEDAR AND DAKOTA AVENUES - COUNCILMEMBER CASTILLO

Briefly reviewed by Councilmember Castillo who requested Council's support and responded to questions of Councilmember Boyajian relative to a proposed developer. Interim City Manager Souza stated he would work with Councilmember Castillo and schedule a meeting.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the City Manager directed to study a joint venture between the City and Sphere Enterprises regarding a proposed retail/family sports complex at Cedar and Dakota Avenues, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5G) REQUEST COUNCIL TO HAVE THE COUNCIL PRESIDENT KEEP THE CURRENT EXECUTIVE ANALYST IN THAT POSITION - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian spoke in support of retaining the current individual clarifying this was not personal and the incumbent would work for the entire Council, stated she was well qualified and knew the budget and process real well, and stated he hoped Council would support the request and find appropriate office space.

Councilmember Calhoun stated he was concerned about setting a precedent and felt President Perea needed to interview candidates, including the incumbent if desired, and return with recommendations. Interim City Manager Souza reviewed the history of the position, clarified the position was appointed by the City Manager, and recommended Council continue the past process of deferring the input and selection to the Council President. Councilmember Ronquillo stated he hoped eventually each Councilmember would be able to have their own analyst and explained. Councilmember Boyajian stated at issue was continuity and he hoped the incumbent would be included in the equation.

President Perea stated he would support changing the process if that was the wish of the majority; stated at this time he would expect the same courtesy that previous Council Presidents received in selecting the assistant; commented on making the position a permanent one; advised he told the incumbent he would be happy to interview her along with other applicants; and stated there were options on the table and still time to work on the issue. Mr. Souza responded to questions of Councilmember Castillo relative to when the incumbent was hired and if she had been made aware of the possibility that another person could be hired. There was no further discussion.

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Visiting students from Craycroft School were recognized and welcomed.

(5H) * RESOLUTION NO. 01-7 - 87th AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,000 FROM DISTRICT 5 TO FUND THE RESTORATION OF THE AMERICAN LEGION POST 509 WHICH WAS DESTROYED BY FIRE - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-7 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:45 A.M.) APPEARANCE BY JOSE LUIS BARRAZA TO DISCUSS AND REQUEST THE MAYOR/COUNCIL APPOINT CITIZENS FOR COMMUNITY INFORMATION TO FILL VACANCIES ON BOARDS AND COMMISSIONS

Appearance made with Mr. Barraza stating a pool of interested citizens was needed and made three recommendations, contained in written material submitted and on file in the office of the City Clerk. Brief discussion ensued with various Councilmembers commenting on the issue, stating their support, and/or offering their assistance. Mr. Barraza stated a meeting was scheduled for January 11th and invited Council to send a representative to move the issue forward.

Barbara Pyle, 5138 E. Ashlan, spoke in support and reviewed the history of matter.

Interim City Manager Souza recommended a re-review be made of all boards and commissions and stated staff would coordinate with the City Clerk on ways to disseminate the information stating there were a multitude of options.

* President Perea recognized and welcomed Alicia from Assemblyman Dean Flores' office.

Councilmember Ronquillo stated the most effective way to deal with the vacancies would be for the City Clerk to make an accounting three or four times a year and make that information available to committees such as Citizens for Community Information. There was no further discussion.

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(9:50 A.M.) APPEARANCE BY BARBARA HUNT REGARDING VIOLATION OF HER CONSTITUTIONAL RIGHTS OF THE BROWN ACT

(3 - 0) Appearance made; no action taken.

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 26 (TRACT NOS. 4918 AND 4960)

- 1. RESOLUTION NO. 01-8 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 01-9 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO 01-10 - DECLARING ELECTION RESULTS**
- 4. *BILL NO. B-3 - ORDINANCE NO. 01-01 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2001-2002 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 26**

President Perea announced the time had arrived to consider the issue and opened the hearing. City Engineer Salazar gave a brief overview and recommended approval.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 01-8, 01-9 and 01-10 hereby adopted, and the above entitled Bill No. B-3 adopted as Ordinance No. 01-1, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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RECESS - 10:09 .M. - 10:17 A.M. Councilmember Ronquillo arrived later in the meeting.

(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-00-43 AND ENVIRONMENTAL FINDINGS, FILED BY THEODORE MARKARIAN, PROPERTY LOCATED AT 208 E. SHIELDS AVENUE

- 1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-43**
- 2. BILL NO. B-4 - ORDINANCE NO. 01-2 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1 TO C-P**

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Boyajian thanked the applicant for investing in the area and made a motion to approve the rezone request.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the categorical exemption for Environmental Assessment No. R-00-43 hereby approved, and the above entitled Bill No. B-4 adopted as Ordinance No. 01-2, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(4A) GENERAL WORKSHOP ON CITY ATTORNEY'S MUNICIPAL LAW GUIDEBOOK FOR ELECTED OFFICIALS AND SETTING WORKSHOPS ON SPECIFIC TOPICS

City Attorney Montoy distributed a work book to Council on laws and procedures they would be faced with; stated the book was for introduction and recommended Council select topics and set weekly times and a place other than the Council Chamber to engage in workshops to discuss the selected topics; stated the two most important topics were the Brown Act and Conflict on Interest; and reiterated her request to seriously consider setting up training sessions. By Council consensus, staff was directed to schedule workshops.

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(10:30 A.M.) CONSIDER A REQUEST FOR A STREET NAME CHANGE - 322 E. HERNDON AVENUE

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planner Beach reviewed the issue and staff report as submitted using a map to illustrate, requested Council require the Fir Avenue address as recommended by staff due to safety and growth issues and explained, and clarified staff/Council had in the past granted and denied Herndon addresses. Councilmember Ronquillo arrived at 10:33 a.m. Mr. Beach responded briefly to questions of President Perea relative to staff's recommendation and what was at issue.

Fire Marshall Arnaz displayed a vicinity map and advised the project site would be surrounded by non-Herndon addresses stating a Herndon address would create confusion, explained specifics relative to other businesses along Herndon with Herndon addresses and advised of safety concerns, and recommended Council assign the Fir address.

Lee Gage, Applicant, 7636 N. Ingram, stated a precedent had already been set with buildings along Herndon with no Herndon access and explained, stated safety was not an issue, and requested Council approve the request for a Herndon address.

Barbara Hunt, 944 "F" Street, spoke in support of the applicant's request.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Ronquillo stated people would know where a "Hilton Hotel off Freeway 41 and Herndon" would be no matter what the address, and made a motion to approve staff's recommendation.

Mr. Gage, Fire Marshall Arnaz and Mr. Beach responded to questions of Councilmember Boyajian relative to what "economic hardships" the hotel owner would face with a Fir address and if the name "Hilton Hotel" would be more important than a street address in 9-1-1 calls. Councilmember Duncan stated he was not convinced there was a safety issue noting the building would be recognized by its name, stated from a business standpoint he felt it was important to help developers as much as possible and he felt a Herndon address would benefit the business, and stated he would oppose the motion.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, **RESOLVED**, the applicant's request for a Herndon Avenue address denied and staff's recommendation for 322 East Fir Avenue hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Ronquillo
 Noes : Quintero, Duncan
 Absent : None

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(10:45 A.M.) HEARING ON REZONING APPLICATION NO. R-00-38 AND ENVIRONMENTAL FINDINGS, FILED BY TREND HOMES, INC., PROPERTY LOCATED AT THE SOUTHWEST CORNER OF W. BULLARD AND N. CARNEGIE AVENUES

- 1. CONSIDER AND APPROVE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-38**
- 2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO C-M/BA-15/UGM**

(4 - 0) President Perea announced the time had arrived to consider the issue and opened the hearing.

Planner Beach reviewed the staff report as submitted, recommended approval of the request based on the general plan and history of the area, and in addition advised staff felt it would be appropriate to continue the hearing for two weeks as requested by the residents to allow for further refinement of neighborhood concerns.

Bob McCaffrey, President, Trend Homes, reviewed the background of the issue including meetings held with the neighborhood; stated he would support the continuance if: (1) a meeting could be set up by staff with the neighborhood to explain the process again if necessary, and (2) if Councilmember Calhoun would recommend his support of the General Plan and Bullard Community Plan; and for the record stated CUSD supported the project subject to the conditional zoning on the site plan review.

Speaking to the issue were: John Garvin, 5811 W. Mesa, who spoke in support a continuance to address neighborhood concerns; and Barbara Hunt, 944 "F" Street.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the hearing.

Councilmember Calhoun commented on the issue and spoke in support of the continuance stating he felt agreement by all parties was close, in response to Mr. McCaffrey stated he supported the plans from a legal standpoint, and made a motion to continue the hearing to January 23rd, which motion was seconded and acted upon after brief discussion. Mr. Beach, Councilmember Calhoun and Mr. McCaffrey responded to questions of Councilmembers Quintero, Ronquillo and Duncan relative to opposition at the Planning Commission meeting, staff's support of the rezone and for the continuance, reason for the request to continue, and if Mr. McCaffrey's conditions had been addressed.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the hearing on Rezoning Application No. R-00-38, filed by Trend Homes, Inc., continued to January 23, 2001, at 10:45 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
 Noes : None
 Absent : None

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(11:00 A.M.) REPORT BY MACIAS CONSULTING GROUP, INC., (MCG) REGARDING THE REQUEST FOR PROPOSALS (RFP) FOR AUDITING SERVICES - COUNCILMEMBER BOYAJIAN

1. REQUEST CITY MANAGER TO IDENTIFY FUNDING SOURCE AND RETURN WITH ENABLING DOCUMENTS

Denise Callahan, MCG Director, introduced other firm members in attendance, presented their proposal for auditing services which included the firm's background, consulting services and experience, how they would approach the audit and what would be delivered, reviewed supplemental work recommended, spoke to the value of the project, and responded to questions of Councilmember Duncan relative to difference between an independent audit and the city's annual audits and on how common independent audits were.

Interim City Manager Souza commended MCG on the presentation, stated staff had and maintained the core information in items 1 through 5 of the proposal, and recommended staff be allowed to provide that information as part of the budget roll-out and work with MCG on what additional information they would need to provide #6 and #7 and on the price structure. Ms. Callahan advised if an independent review was what Council wanted her firm would have to perform items 1 - 5.

Lengthy discussion ensued. Councilmembers Ronquillo and Boyajian spoke in support of and on the need for an independent audit, and City Attorney Montoy and President Perea responded to questions of Councilmember Calhoun relative to action being requested this date and what an affirmative vote would do. Councilmember Duncan stated the request was due to an old problem; expressed concern with the cost stating funding would have to come from somewhere such as parks and recreation; (**5 - 0**) stated the company was outstanding but at issue was \$147,000 that might not have to be expended; and citing the new spirit of teamwork recommended Council see if the information could be received from staff. Mr. Souza clarified the information was available, reiterated MCG would simply be taking the already audited information from items 1 - 5 and reformat it into different ratios and graphs which staff was capable of doing, and reiterated he would prefer to meet with the firm on the second part of the proposal and on other related issues and requested that direction be given. Councilmembers Ronquillo and Boyajian reiterated the need for an independent audit stating this was not about "suspiciousness" but about giving Council all options, urged Council not to delay, and made a motion and second to approve the request including directing the City Manager to meet with the firm. Upon question, Ms. Callahan stated meeting with the City Manager could possibly mitigate some of the expense, reiterated her concern with gathering data already prepared, and clarified the raw data needed to be accessed to do the proper analysis and determine findings.

Mr. Souza and Ms. Callahan responded to questions of Councilmembers Quintero and Duncan relative to time line for staff to report back, MCG's time line/commitment date for the audit, and if there would be additional costs with delays. Councilmember Calhoun stated because of his concerns with unfunded items and with new leadership now in place he would reluctantly oppose the motion.

Barbara Hunt, 944 "F" Street, spoke in support of the audit.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, **RESOLVED**, the City Manager directed to (1) identify a funding source for an independent financial audit and return with enabling documents on January 30th at a time certain, and (2) meet with Macias Consulting Group relative to information they may need, the price structure, and other related issues, by the following vote:

Ayes : Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes : Calhoun, Duncan
Absent : None

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LUNCH RECESS - 12:02 P.M. - 2:02 P.M.

(1A-4) RESOLUTION NO. 01-11 - APPROVING THE REALLOCATION OF \$300,000 FOR A STREET PROJECT ON FRIANT ROAD FROM AUDUBON TO SHEPHERD AVENUES

City Engineer Salazar responded to questions of Councilmember Boyajian relative to taking funds from the Peach Avenue project for the subject project, if staff looked at funding other priority projects in the inner city and downtown areas, and if staff felt Friant was more important due to safety issues. Councilmember Boyajian stated new development did not pay its own way and he felt the inner city was sometimes abandoned for these types of projects.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-11 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Boyajian
Absent : None

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(1A-9) * RESOLUTION - 13TH AMENDMENT TO PAR 2000-184 ADDING SEVEN (7) “ASSISTANT TO CITY COUNCIL” POSITIONS

Briefly reviewed by President Perea who stated this would give each Councilmember the flexibility to use the position which included benefits. Upon question of Councilmember Quintero, Interim City Manager Souza stated the additional positions would not impact the Health & Welfare Trust. President Perea made a motion to approve the resolution which was seconded by Councilmember Duncan.

Discussion ensued and City Attorney Montoy and Mr. Souza responded to questions and clarified issues relative to health benefits, allowing an election in or out of the system, when the positions, if approved, could be implemented, and temporary employees. Stating more dialog was needed, President Perea removed the item from the agenda.

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- (1A-8) * RESOLUTION NO. 01-12 - 88TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$84,000 TO FUND THE PROPOSED REORGANIZATION OF THE MAYOR AND CITY MANAGER DEPARTMENTS (ADDING TWO EDUCATIONAL LIAISON POSITIONS AND CONVERTING SEVERAL OTHER POSITIONS)**
a. * RESOLUTION NO. 01-13 - 12TH AMENDMENT TO PAR 2000-184 ADDING POSITIONS FOR THE REORGANIZATION
b. * RESOLUTION NO. 01-14 - 9TH AMENDMENT TO SALARY RES. 2000-186 ADDING AND CONVERTING POSITIONS FOR THE REORGANIZATION

Councilmember Boyajian stated Council is always told money is not available whenever requests are made yet staff finds funds for the subject reorganization, questioned the fiscal impact, commented on the conversion of the economic development positions and stressed economic development was important to bring jobs to the area, and expressed concern with the loss of a grant writer and with the new position of deputy mayor questioning where the allegiance of the city manager would be, with Interim City Manager Souza responding to questions and clarifying issues.

Budget Manager Bruney spoke to the budget impact and funding source issues and responded to questions of Councilmember Calhoun relative to funding unbudgeted items midstream and why the reorganization could not be put off until the next fiscal year. (6 - 0) Brief discussion ensued on making the EDC accountable, monies raised by grant writers for the city, the availability of carry-over funds, and the option of transferring the grant writer position to another department if desired, with Mr. Souza clarifying issues and responding to questions.

Councilmember Duncan complimented the Mayor on the proposal stating it should not be delayed to the next budget cycle, and made a motion to approve staff's recommendation, which was seconded and acted upon after additional discussion. Councilmember Quintero questioned what the additional \$84,000 was for and stated the City needed to work towards ending negotiations with the police and fire groups as they provided the basic public services. Mr. Souza responded to questions of Councilmember Castillo relative to the economic development manager and coordinator positions and on what staff's strategy was to fund the police contract.

Mayor Autry addressed concerns expressed and clarified issues relative to utilizing taxpayer dollars, stated if he did not believe the reorganization would result in a significantly better system he would not be asking for it, requested Council give the reorganization a chance to work, and concluded stating there was no hidden agenda and the prudent use of taxpayer dollars was an issue that was very dear to him.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution Nos. 01-12, 01-13 and 01-14 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

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(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JORGE AGUINIGA, ANDREW SOUZA AND MATTHEW GARGIULO - EMPLOYEE ORGANIZATIONS: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 753, NON-MANAGEMENT AND FIRE MANAGEMENT

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: NEAL MANHA V. CITY OF FRESNO, ET AL.

(D) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:

1. CLAIM OF CHANTHUY KOMVONGSA
2. CLAIM OF DOUANGMALY KOMVONGSA
3. CLAIM OF MANICHANH KOMVONGSA

The Council met in closed session in Room 2125 at the hour of 2:55 p.m. to consider the above matters and adjourned thereafter.

(C) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (c) - CASE NAME: CITY V. CITY OF CLOVIS, LAFCO AND COUNTY OF FRESNO

Removed from the agenda (held Monday, January 8th).

CLOSED SESSION ANNOUNCEMENT

In the matter of Item **D**, Claims of Chanthuy, Douangmaly and Manichanh Komvongsa, the Council voted 7-0 to reject the claims for \$25 million each related to an incident on June 2, 2000, resulting in the death of the claimants' brother.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:15 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 23rd day of January, 2001.

Henry Perea, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk